

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Patent Application**

Applicant(s): D.B. Kramer et al.

Case: 10-23

Serial No.: 10/085,771

Filing Date: February 28, 2002

Group: 2616

Examiner: Prenell P. Jones

Title: Processor with Software-Controlled  
Programmable Service Levels

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COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The following remarks are submitted in response to the Examiner's Statement of Reasons for Allowance included in the Notice of Allowability dated February 28, 2007 in the above-identified application.

## REMARKS

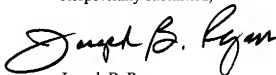
Applicants have reviewed the Examiner's Statement of Reasons for Allowance (hereinafter "Statement") given on page 2 of the February 28, 2007 Notice of Allowability. Based on this review, it appears that certain aspects of the Statement may be viewed as mischaracterizing the scope of the allowed claims.

Applicants initially note that the Examiner has supplied with the Notice of Allowability two entirely separate pages each labeled as page 2 and each including a different set of reasons for allowance for independent claims 1, 6, 18 and 19. Copies of both pages are attached hereto for reference. This situation is clearly improper, and should be corrected.

Moreover, both of the proffered sets of reasons for allowance of independent claims 1, 6, 18 and 19 contain errors. For example, the first page 2 indicates that claims 1, 6, 18 and 19 are allowable over the prior art for reasons relating to a "priority element" that "determines an initial transmission priority . . . by designating a given transmission element as a current high priority transmission element, with the other transmission elements in the group being arranged in a linear order of decreasing priority relative to the current high priority transmission element." The problem with this portion of the Statement is that it does not accurately reflect the limitations of claims 1, 18 and 19. These latter claims, for instance, do not refer to an initial transmission priority, but instead refer more generally to a transmission priority. In addition, the latter claims do not refer to a linear order of decreasing priority, but instead refer more generally to an order of decreasing priority. Also, claims 18 and 19 do not make any reference whatsoever to a priority element. Apparently, the Examiner has incorporated recitations similar to those of claim 6 into the Statement, and improperly attributed such recitations to claims 1, 18 and 19. The second page 2 is similarly deficient.

In summary, Applicants believe that each of claims 1-20 is allowable because the particular limitations thereof are not taught or suggested by the prior art of record. To the extent that the Statement includes language which does not accurately reflect the claim limitations, the Statement is respectfully traversed.

Respectfully submitted,

A handwritten signature in black ink that reads "Joseph B. Ryan". The signature is fluid and cursive, with the first name "Joseph" and last name "Ryan" clearly legible.

Date: March 6, 2007

Joseph B. Ryan  
Attorney for Applicant(s)  
Reg. No. 37,922  
Ryan, Mason & Lewis, LLP  
90 Forest Avenue  
Locust Valley, NY 11560  
(516) 759-7517

Enclosure(s): Copies of Two Separate Page 2 Sheets included in Notice of Allowability

***Reason for Allowance***

1. Claims 1-20 are allowed over prior art.
2. The following is an examiner's statement of reasons for allowance: As indicated in the previous office action claim 1-18 and 20 contain allowable subject matter. Applicant has amended claim 19 to correct the previously 101 rejection.

Although the prior art discloses utilizing scheduling in a communication system, wherein time slots are managed by a time slot table, they fail to teach or suggest with respect to claims 1, 6, 18 and 19, priority element determines an initial transmission priority for transmission elements of the group by designating a given transmission element as a current high priority transmission element, with the other transmission elements in the group being arranged in a linear order of decreasing priority relative to the current high priority transmission element.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell P. Jones whose telephone number is 571-272-3180. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Although the prior art discloses utilizing scheduling in a communication system, wherein time slots are managed by a time slot table, they fail to teach or suggest with respect to claims 1, 6, 18 and 19, a priority computational element associated with the scheduling circuit and used to determine a transmission priority for transmission elements in a specified group of transmission elements, priority element determines an initial transmission priority for transmission elements of the group by designating a given transmission element as a current high priority transmission element, with the other transmission elements in the group being arranged in a linear order of decreasing priority relative to the current high priority transmission element.

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